

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Winter/ac

Mailed: November 13, 2008

Opposition No. 91186121

4273371 Canada Inc.

v.

The Topline Corporation

On November 7, 2008, the parties filed applicant's proposed amendment to its application Serial Nos. 77274089 and 77264103, with opposer's written consent, and opposer's withdrawal with prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, applicant seeks to change the identification of goods as follows:¹

Serial No. 77274089

From: "small leather goods, namely, handbags, purses, wallets, change purses, shoulder bags, beach bags, clutch bags; attache cases, tote bags, traveling bags, credit card cases, document cases, cosmetic cases sold empty, key cases and briefcases; school bags; all purpose sports bags; luggage, namely, suitcases and traveling trunks; and umbrellas,"

To: "small leather goods, namely, handbags, purses, wallets, change purses, shoulder bags, beach bags, clutch bags; attache cases, tote bags, traveling bags, credit card cases, document cases, cosmetic cases sold empty, key cases and briefcases;

¹ The proposed amended wording is shown in bold font type and is underlined.

Opposition No. 91186121

school bags; all purpose sports bags; luggage, namely, suitcases and traveling trunks; and umbrellas all for women and girls."

Serial No. 77264103

From: "footwear; clothing and apparel accessories, namely, shirts, pants, jeans, sweaters, skirts, dresses, suits, sleepwear, lingerie, shorts, coats, jackets, swimwear, hosiery, belts, hats, gloves and scarves,"

To: "Women's and girls' footwear; women's and girl's clothing and apparel accessories, namely, shirts, pants, jeans, sweaters, skirts, dresses, suits, sleepwear, lingerie, shorts, coats, jackets, swimwear, hosiery, belts, hats, gloves and scarves all for women and girls."

Serial No. 77274095

Application Serial No. 77274095 remains unchanged.

Inasmuch as the amendments are clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, they are approved and entered. See Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed in accordance with the parties' settlement agreement.

***By the Trademark Trial
and Appeal Board***